

SECTION I - GENERAL PROVISIONS

Subdivision 1.0 Title

Except when referred to herein as the Ordinance, this Ordinance shall be known, cited and referred to as the "Yellow Medicine County Land and Related Resource Management Ordinance".

Subdivision 2.0 Statutory Authorization

The County Planning Enabling Act of 1974, makes the following statement: The board shall have the power and authority to prepare and adopt by ordinance, a comprehensive plan. A comprehensive plan or plans when adopted by ordinance shall be the basis for official controls adopted under the provisions of section 394.21 to 394.37. (Minnesota Statutes 1974, 394.23)

This Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 394 and the following list of Statutes below, which are meant to be illustrative and not exhaustive. The County retains the authority and power to enact any and all land use related legislation as authorized by any Minnesota Statute.

1. Minnesota Statutes 104.31 - 104.40, Minnesota Regulations NR 78-81 and NR 2600. (Identifies minimum development standards and permitted uses of land adjacent to the Minnesota River in order to protect and preserve its scenic and recreational value.)
2. Minnesota Statutes 104.01 - 104.08, Minnesota Regulations NR 85-93. (Identifies permitted uses of land lying adjacent to rivers and streams within Yellow Medicine County in order to minimize future flood losses.)
3. Minnesota Statutes 105.485, Minnesota Regulations NR 82-84, Cons. 70-84. (Identifies minimum development standards on land that lies adjacent to the lakes, rivers, and streams located within Yellow Medicine County.)
4. 1975, Chapters 116.01, Minnesota Environmental Policy Act
5. 1971, Chapter 173, as amended, regulations for the control of advertising devices
6. 1974, Chapter 115, 116, 116A Water Pollution Control Act
7. Chapter 327, Section 327.10 - 327.28, Laws Regulating Mobile Home Parks and Recreational Camping Areas
8. Minnesota Statutes 16.83 - 16.867, Laws relating to the Minnesota State Building Code

Subdivision 3.0 Purpose and Intent

The purpose of this Ordinance is to promote the public health, safety, comfort and general welfare of the people of Yellow Medicine County and aim toward the following goals in providing for this general purpose:

- 3.1 To divide the unincorporated areas of the County into zones and districts, restricting and

regulating therein the location, construction, reconstruction, alteration and the uses of structures and land;

- 3.2 To promote the orderly development of residential, business, industrial, recreational and public areas of the County;
- 3.3 To provide for adequate light, air, and convenience of access to property by regulating the use of land, buildings and the bulk of structures;
- 3.4 To provide for the compatibility of different land uses and the most appropriate use of land throughout the County;
- 3.5 To conserve and protect natural resources and maintain a high standard of environmental quality;
- 3.6 To preserve and protect the rural character, natural landscape, and natural scenic beauty of the County;
- 3.7 To protect and preserve viable agricultural land;
- 3.8 To provide for the gradual and equitable elimination of those uses of land and structures which do not conform to the standards for the area in which they are located;
- 3.9 To provide for the orderly development of land through subdivision regulation;
- 3.10 To protect area needed for future public use from further development through official maps;
- 3.11 To further the appropriate use of land, and conserve and protect the natural resources of the County for present and future generations;
- 3.12 To provide for the enforcement of the Ordinance and to define and limit the powers and duties of the administrative officials and bodies responsible therefore.

Subdivision 4.0 Compliance and Interpretation

4.1 Scope.

No structure in Yellow Medicine County that lies outside the incorporated limits of any municipality shall be erected or altered which does not comply with the regulations of this Ordinance, nor shall any structure or premises be used for any purpose other than a use permitted by this Ordinance. After the effective date of the Ordinance any existing use of land or structure not in conformity with this Ordinance shall be regarded as a non-conforming use.

4.2 Interpretation

In interpreting the provisions of this Ordinance, they shall be considered as the minimum requirements for the promotion of the public's health, safety, and general welfare. Any statutes, regulations or permanent township zoning ordinances that are in effect or which shall be enacted, during the period covered by this Ordinance, which are more restrictive shall apply. Where the provisions of this Ordinance impose greater restrictions than those of any statutes, regulations of township zoning ordinances, the provisions of this Ordinance shall apply.

The following rules of construction shall apply in interpreting this Ordinance:

1. The words and phrases used in this Ordinance shall be construed in their plain, ordinary and

usual sense except that technical words and phrases having a peculiar and appropriate meaning in the law shall be understood according to their technical definition.

2. Unless the context clearly requires otherwise, the use of either past, present and/or future tenses shall include the other tenses.
3. Whenever this Ordinance requires an act to be done and when such act may legally be done by an agent or employee as well as by the principal, such requirements shall be satisfied by the performance of such act by an authorized agent or employee.
4. The rules of statutory construction established for the State of Minnesota and/or case law shall apply in the construction in this Ordinance.
5. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.
6. The word "shall" is mandatory and not discretionary; and the word "may" is permissive.
7. The word "person" includes a firm, association, organizations, partnership, trust, company or corporation as well as an individual.
8. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
9. All stated and measured distances shall be taken to the nearest integral foot. If a measured distance is one-half (1/2) foot or less, the integral foot next below shall be taken.

Subdivision 5.0 Severability

If any section, clause, provision or portion of this Ordinance, is adjudged unconstitutional or invalid by a court of competent jurisdictions, the remainder of this Ordinance shall not be affected thereby.

Subdivision 6.0 Establishment of Management Districts

For the unincorporated areas of Yellow Medicine County that lie within the jurisdiction of this Ordinance, they are hereby divided into seven Management Districts. These Management Districts include the following:

- Floodplain Management District
- Shoreland Management District
- Minnesota River Management District
- Urban Expansion Management District
- Rural Preservation Management District
- General Business District
- Industry District

Unincorporated areas that lie within these Management Districts must conform with the provisions of this Ordinance.

Subdivision 7.0 Official Ordinance Maps

The following maps are hereby adopted by reference and declared to be a part of this Ordinance:

1. Official Ordinance Map #1 (Identifies the geographic location of the Flood Plain Management District.)
2. Official Ordinance Map #2 (Identifies the major roadways of Yellow Medicine County.)
3. Official Ordinance Map #3 (The map taken from the legal descriptions in the Minnesota River Management Plan (NR 2600), along with the Land Management Maps (Plates 2 to 7 in the Minnesota River Management Plan) which identifies those lands that lie within the Minnesota River Management District. In case of conflict between the map and the property description in NR 2600, the latter shall prevail.)
4. Official Ordinance Map #4 (Identifies the Urban Expansion Management District)
5. Official Ordinance Maps #5 (The Rural Preservation Management District is divided into Rural Preservation Areas 1 through 8. Each of these Rural Preservation Areas are identified by Official Ordinance Maps #5.)

Official Ordinance Maps #1, #2, #3, #4, #5, a copy of NR 2600 and a copy of the Land Use Management Maps from the "Management Plan for the Minnesota River", shall be on file in both the County Auditor's and the County Planning and Zoning Administrator's offices.

Subdivision 8.0 Definitions

For purposes of this Ordinance, the below stated definitions, as well as those set forth in other portions of this Ordinance, shall apply whenever the words are used in connection with any matter pertaining to the implementation of this Ordinance.

8.1 Definitions

Accessory Structure - A structure or a portion of a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use structure on the same lot.

Accessory Use – A use subordinate or clearly incidental to the principal use of a lot or a building, located on the same lot as the principal use, and used exclusively for purposes incidental to those of the principal use.

Adult Use/Sexually Orientated Business – Adult uses/sexually orientated businesses include, but are not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouses, sauna facilities, adult companionship establishments, adult rap/conservation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, adult viewing booth, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

Adult Use Accessory – A use, business, or establishment having ten percent (10%) or less of its stock in trade or floor area allocated to, or twenty percent (20%) or less of its gross receipts derived from movie rentals or magazines sales in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Use Principal – A use, business, or establishment having more than ten percent (10%) of its stock in trade or floor area allocated to, or more than twenty percent (20%) of its gross receipts derived from movie rentals or magazine sales in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Use Body Painting Studio – A business or establishment which provides the service of applying paint or other substances, whether transparent or non-transparent, to or on the body of a patron when any “specified anatomical areas” of such body are wholly or partially nude.

Adult Use Bookstore – A building or portion of a building used for the barter, rental or sale of items, consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally is only open to one or more classes of the public and is not open to any minor, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas”.

Adult Use Cabaret – A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building is not open to the public generally, is only open to one or more classes of the public and is not open to any minor, or if such dancing or live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Use Companionship Establishment – A companionship establishment if such building or portion of a building is not open to the public generally is only open to one or more classes of the public and is not open to any minor or which provides the service of listening to or engaging in conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Use Conversation/Rap Parlor – A Conversation/Rap Parlor if such building or portion of a building is not open to the public generally is only open to one or more classes of the public and is not open to any minor or which provides the service of listening to or engaging in conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Use Health/Sport Club – A health/sport club is such building or portion of a building is not open to the public generally is only open to one or more classes of the public and is not open to any minor or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Use Hotel/Motel – A hotel or motel if such a building or portion of a building is not open to the public generally is only open to one or more classes of the public and is not open to any minor and wherein material is presented which is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas”.

Adult Use Massage Parlor, Health Club – A massage parlor or health club is such building or portion of a building is not open to the public generally is only open to one or more classes of the public and is not open to any minor and which provides the service of massage if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Use Mini Motion Parlor, Health Club – A massage parlor or health club is such building or portion of a building is not open to the public generally is only open to one or more classes of the public and is not open to any minor and which provides the service of massage if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

Adult Use Modeling Studios – An establishment whose major business is the provision, to customers, of models who are provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or in the presentation, display, depiction, or description of “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

Adult Viewing Booth – any place to which the public is permitted or invited wherein coin operated or slug operated, or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image-producing devices are maintained to show images to a single person per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas”.

Adult Use Motion Picture Arcade – any place to which the public is permitted or invited wherein coin operated or slug operated, or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at anyone time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas”.

Adult Use Motion Picture Theater – A building or portion of a building with a capacity of more than

fifty (50) persons used to show images if such building or portion of a building is not open to the public generally, is only open to one or more classes of the public and is not open to any minor or where the images so displayed are distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Use Novelty Business – A business which has a principal activity of selling devices which stimulate human genitals or devices which are designed for sexual stimulation.

Adult Use Sauna – A sauna is such building or portion of a building is not open to the public generally, is only open to one or more classes of the public and is not open to any minor or which provides a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Adult Use Steam Room/Bathhouse Facility – A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if such building or portion of a building is not open to the public generally, is only open to one or more classes of the public and is not open to any minor or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

Agency – Minnesota Pollution Control Agency

Aggregated Project – Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

Agricultural Building or Structure - Any structure or building existing or erected on agricultural land that is designed, constructed, and used principally for agricultural purposes, with the exception of dwellings.

Agricultural Industrial Uses – facilities used for the storage of agricultural or non-agricultural related products such as grain and fertilizer bins or beet piles and the storage of energy related products such as propane and natural gas.

Agricultural Use - The use of land and associated structures for the production of food, fiber, or crops of any type, including but not limited to farming, dairying, pasturage agriculture, horticulture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. This does not include a facility primarily engaged in processing agricultural products. This includes land

enrolled in government conservation programs, wetlands, pasture, forest land, and wildlife land.

Airport - Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and any appurtenant land or structure used or intended for use of port buildings or other port structures or rights-of-way.

Alley – A public right-of-way less than 30 feet in width that normally affords a secondary means of vehicular access to abutting property.

Animal Manure – Means poultry, livestock, or other animal excreta, or a mixture of excreta with feed, bedding, precipitation and other materials.

Applicant – A person, corporation, or other legal entity recognized by law who applies for a variance, zoning permit, conditional use permit or other land use permit.

Arterial Street or Highway (Primary) - A street or highway of considerable continuity designed primarily to serve as an intercommunication link between sectors of the County and beyond/such as from within a city to outlying areas.

Aquaculture – Land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for commercial purposes.

Attorney – The County Attorney

Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Block – A tract of land bounded by streets or a combination of streets and public or private open space, cemeteries, railroad rights-of-way, shorelines, waterways, or city corporate limits.

Bluff – A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

- a. part or all of the feature is located in a shoreland area;
- b. the slope rises at least 25 feet above the ordinary high water level of the waterbody;
- c. the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- d. the slope must drain toward the waterbody.

Bluff Impact Zone – a bluff and land located within 20 feet from the top of a bluff.

Bluffline - A line along the top of a slope connecting the points at which the slope becomes less than

13%, measured according to the manner and method set forth in applicable Minnesota Rules. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.

Board of Adjustment – A board established by county ordinance with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota Statutes, sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such duties as required by the official controls.

Board of County Commissioners – The Yellow Medicine County Board of County Commissioners

Boathouse – A structure designed and used solely for the storage of boats or boating equipment.

Boulevard – The portion of the street right-of-way between the curb line and the property line.

Buildable Area – The space remaining on a lot for building purposes after the setback and open space requirements of this section have been met.

Buildable Land – Land with a slope less than 25 percent and outside of any required setbacks and above any floodway, drainageway, or drainage easement.

Building - Any structure either temporary or permanent having a roof for the shelter, support or enclosure of persons, animals, chattel or property of any kind.

Building Drain - The building drain is that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of any building and conveys the same to the building sewer.

Building Height - The highest point of the structure.

Building Line - The line measured across the width of the lot as the point where the main structure is placed in accordance with setback provisions.

Business – Any occupation, employment or enterprise wherein goods are produced, traded or sold, or services are rendered as an economic enterprise.

Campground – An area of property used on a daily, nightly, weekly or other periodic basis, and which is accessible by vehicle and containing campsites or camping spurs for tents or trailer camping.

Cemetery – Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes, including columbaria, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

- A. Inactive cemetery – no burials have taken place for 20 years
- B. Active cemetery – in use at this time

Church – a structure that holds regular worship services and is recorded with the County Recorder as the like status. This structure must also be registered as a church with the Minnesota Department of Revenue.

Class V Injection Well – a shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large capacity cesspools are specifically prohibited (see CFR Parts 144 & 146).

Clear-Cutting - The removal of an entire stand of vegetation.

Cluster Development - A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

Cluster System – A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

Collector Street (Secondary) - A street designed to serve the internal traffic circulation of a recognized land use area which distributes and collects traffic from local streets and connects with Arterial Streets and/or Highways.

Commercial Planned Unit Development – Uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Commercial Use - The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.

Commissioner - Minnesota Commissioner of Natural Resources or his authorized representative.

Community Water and Sewage Systems - Utilities systems serving a group of buildings, lots or an area of the County, with the design and construction of such utility systems as approved by the County.

Commercial WECS – A WECS of equal to or greater than 100 kW in total name plate generating capacity.

Comprehensive Plan – The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for planned execution documented in texts, ordinance, and maps which constitute the guide for the future development of the unincorporated area of the County.

Concept Plan or Sketch Plan – A generalized plan of a proposed subdivision indicating lot layouts, streets, park areas, and water and sewer systems presented to County and/or city officials at the pre-application meeting.

Conditional Use - Means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the Zoning Ordinance exist, and (2) the use of development conforms to the Comprehensive Plan, and (3) is compatible with the existing permitted uses of the district.

Construction Short Form Permit – Construction short-form means a permit issued for an animal feedlot or manure storage area according to parts 7020.0505 and 7020.0535. This also applies to new or existing feedlots intending to construct or expand to a capacity between 300 and 999 animal units. To qualify the feedlot must be constructed and operated in accordance with technical standards in Minnesota Rules chapter 7020.2000 to 7020.2225 and the facility does not have a pollution hazard. The duration of this permit is 24 months from the date of issuance.

Contour Interval – The vertical height between contour lines.

Contour Map – A map on which irregularities of land surface are shown by lines connecting points of equal elevations.

County - Yellow Medicine County, Minnesota.

County Board - Yellow Medicine County Board of Commissioners.

Day Care Center – A use defined by Chapter 462, Minnesota Statutes, which is operated for the care of children and/or adults.

Deck – A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

Demolition Landfill – An area for the disposal of solid waste resulting from the demolition of buildings, roads and other man-made structures, such as concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic building parts. Demolition debris does not include asbestos waste.

Department – Yellow Medicine County Zoning Department

Depth of Lot - The mean horizontal distance between the mean front and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

Depth of Rear Yard - The mean horizontal distance between the rear line of the building and the center line of an alley, where an alley exists, otherwise a rear lot line.

Design Flow – The daily volume of wastewater for which an SSTS is designed to treat and discharge.

Developer – The owner of land proposed to be subdivided or their representative.

Development – The act of building structures and installing site improvements.

Development Agreement – An agreement with the owner of the whole parcel as charged on the tax lists of the County specifying the number of density units allocated amongst the parcels being created, the zoning district the particular parcels are located in, and the fact that the use, development, and further conveyance of the parcels are subject to the regulations contained in the Land Use Ordinance.

Development Plan – A plan guiding the development of the property to the ultimate land use. Such plan shall include, but is not limited to: site analysis information, staging plan, grading plan, drainage plan, and end use plan.

District - A section of the County for which the regulations governing the height, area, use of buildings and premises are the same.

Drainage Course – A watercourse or indenture for the drainage of surface water.

Drainage Ditch – Shall have the meaning ascribed to it in Minn. Stat. Ch. 103E.

Drainageway – A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

Duplex, Triplex, and Quad – A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling - Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings.

Dwelling, Farm - A dwelling located on a farm where the resident of said dwelling either owns, operates or is employed in agricultural activities thereon.

Dwelling, Multiple - A residence designed for or occupied by two (2) or more families, with separate housekeeping and cooking facilities.

Dwelling, Non-Farm - A dwelling located on a parcel of land contiguous to or surrounded by farmland which is under separate ownership and which the resident of said dwelling neither operates nor is employed in agricultural activities thereon.

Dwelling site – A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling unit – Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.

Earthen Storage Basin – An impoundment made by excavation or earthfill for temporary storage of animal or other agricultural waste.

Easement - A grant by an owner of land for the use of a strip of land for the purpose of constructing and maintaining walkways, roadways, and utilities including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, cable television, storm sewer or storm drainageways and gas lines.

Engineer – the County Engineer

Equal Degree of Encroachment - A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Essential Services – Wind turbine farms, overhead or underground electrical, gas, steam or water transmission or distribution systems and structures, or collection, communications, supply or disposal systems and structures, used by public utilities, rural electric cooperatives or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings. For the purpose of this Ordinance the word "building" does not include "structure" for essential services.

Existing Building Site – A non-cultivated area that has been maintained, has a rural address, and has an existing access to a public right-of-way and at least one of the following is present on the premises: a windbreak, water well, accessory structures, or a dwelling.

Expansion – Construction or any activity which may result in the increase in the number of animal units that a feedlot is capable of holding or an increase in manure storage capacity.

Extractive Use - Any artificial excavation of the earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, of sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built, or placed thereon in conjunction with or immediately following such excavation shall be exempted, if a permit has been issued for such construction for installation.

Failure to Protect Groundwater – At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subp. 4D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a qualified employee or an individual licensed pursuant to Subdivision 5.0 of Section XIV of this Ordinance.

Fall Zone – The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

Farm - A tract of land, which is principally used for agricultural activities such as the production of cash crops, livestock or poultry farming. Such farm may include an agricultural dwelling and accessory building and structures necessary to the operation of the farm and must meet the definition of "farm" under Minnesota's Green Acres Law, M.S.A. Chapter 273.111.

Farming - The cultivation of the soil and all activities incidental thereto; agriculture.

Farmstead Windbreak - Multiple rows of trees and/or shrubs protecting the farmstead home, buildings and/or livestock.

Feeder Line – Power lines that transport electrical power from one or more wind turbines to the point of interconnection with a high voltage transmission line.

Feedlot, Animal – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under this Ordinance.

a. Existing Feedlot – A livestock feedlot upon which 50 animal units or more, or 10 animal

units in Shoreland, were confined for production purposes at any time within the previous five years, and has been registered within the last five years.

- b. New Feedlot – An animal feedlot or manure storage area constructed, established, or operated at a site where no animal feedlot or manure storage area existed previously; or an animal feedlot or manure storage area that existed previously and has been unused for five years or more.

Feedlot Operator – An individual, corporation, a group of individuals, a partnership, joint venture, owner, or any other business entity having charge or control of one or more livestock feedlots, poultry lots or other animal lots.

Feedlot Setback – The nearest point of a neighboring dwelling to the nearest corner of the livestock or manure holding structure.

Field Windbreak - A strip or belt of trees or shrubs established within or adjacent to a field.

Final Plat – The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the County Commissioners for approval and which, if approved, will be submitted to the County Recorder.

Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe – that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Yellow Medicine County.

Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Flood Proofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

Forest Land Conversion – The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Forestry - The use and management including logging, of a forest, woodland, or plantation and related research and educational activities, including the construction, alteration or

maintenance of wood roads, skidways, landings, and fences.

Frontage – The boundary of a lot which abuts an existing or dedicated public street or roadway.

Grade – The average of the finished level at the center of the exterior walls of the building or the slope of a road, street, or other public way specified in percentage terms.

Guest Cottage – A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Hardship - As used in connection with a variance under this Ordinance, means the property in question cannot be put to a reasonable use under the conditions allowed by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this Ordinance.

High-voltage transmission line – A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts or more and is greater than 1,500 feet in length.

Home Occupations - The use of a property zoned residential or agricultural for any occupation, activity or profession carried out for financial gain which is clearly subordinate and incidental to the use of the property as residential, which is carried out solely within the main dwelling or an accessory building, and does not alter or change the exterior character of the appearance of the property and that which is normally associated with a residential dwelling unit, and that is created and operated by the occupant of the dwelling. This does not include garage sales, yard sales and one-time product sales parties.

Imminent Threat to Public Health and Safety – At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a Qualified Employee or a SSTS inspection business licensed pursuant to Subdivision 5.0 of Section XIV of this Ordinance.

Incorporated – When manure is surface applied and mechanically incorporated within 24 hours of application.

Industrial Use - The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Injected – When manure is mechanically injected or tilled into the soil during manure application.

Intensive Vegetation Clearing – The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

Interim Permit – Issued by the commissioner or the county feedlot pollution control officer in accordance with parts 7020.0505 and 7020.0535, for an existing feedlot of 999 or less animal units intending to construct or expand when the facility has a pollution hazard. These permits will expire two (2) years after the date they are issued.

ISTS – An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.

Kennel – Any structure or premises on which four (4) or more of any type of domestic or exotic pets over four (4) months of age are for profit boarded, bred or offered for sale.

Land Use – Any activity that involves the use of the land or environmental quality involving structures, alteration of the land form or alteration of land, air or water quality. This includes, but is not limited to, buildings, essential services, agriculture, natural resource harvesting, commerce, industry, residential development and storm water systems.

Land Use Permit – a permit required for any activity that involves use of the land or environmental quality involving structures, alteration of the land form or alteration of land, air or water quality. This includes, but is not limited to, buildings, essential services, agriculture, natural resource harvesting, commerce, industry, residential development and storm water systems.

Liquor License – Any of the following licenses issued or approved by the County of Yellow Medicine pursuant to Minnesota Statute, Chapter 340A:

1. On-sale Intoxicating Malt Liquor License, or
2. On-sale Intoxicating Liquor License, or
3. On-sale Wine License

Liquid Manure – Manure consisting of four percent solids or less.

Livestock - Beef and dairy cattle, horses, swine, sheep and poultry.

Livestock Waste Lagoon - A diked enclosure for disposal of livestock wastes by natural process.

Local Street (Tertiary) - A street designed for access to abutting property and not intended to facilitate through traffic.

Lodging Establishment - A hotel, motel, lodging house, boarding house, resort or similar facility, as defined by Minnesota Statutes and/or Minnesota Rules, where sleeping facilities are offered to the public.

Lot - A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation thereof,. For the purposes of these regulations, a lot shall be considered to be an individual building site that shall be occupied by no more than one principal structure equipped with sanitary facilities.

Lot Area - The land area within the lot lines.

Lot, Corner – A lot bordered on at least two adjacent sides by intersecting streets.

Lot Depth - The mean horizontal distance between the mean front road right-of-way line and mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

Lot Lines - The lines bounding a lot, as defined herein. When a lot abuts a road, street, highway, avenue, park or other public property, except an alley, such line shall be know as right-of-way, and when a lot line abuts on an alley, it shall be known as an alley line.

Lot of Record - Any lot which was of record by deed or plat filed in the office of the County Recorder on or before the effective date of this Ordinance; or any lot where sufficient proof can be shown that an unrecorded contract for deed was entered into on or before the effective date of this Ordinance.

Lot Width - The shortest distance between the side lot lines.

Malfunction – The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

Management Plan – A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.

Manufactured Home -

TYPE I Manufactured Homes - A manufactured home is a living quarters designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks, connection to utilities and the like.

TYPE II Manufactured homes with a floor area of greater than eight hundred (800) square feet shall meet the following specifications:

1. The structure shall have a permanent masonry or wood foundation meeting the requirements of the State Building Code that shall be solid for the complete circumference of the structure.
2. The average width of the structure and foundation shall be twenty (20) feet.
3. The structure shall have conventional siding, lapping the foundation by a minimum of one (1) inch.
4. The structure shall be anchored in accordance with the State Building Code.
5. The structure shall have a pitched roof, covered with shingles or tile, with a minimum of twelve (12) inch eaves.

Manure Management Plan – Includes but not limited to the management of manure, manure handling and method of application, prescribed rates of application and expected nutrient carryover, soils and manure testing and analysis, crop rotation, frequency of application, commercial fertilizer to be used where manure is land applied, signed spreading agreements, contracts and acreage available to manure application and plans for any proposed manure storage structure, and as further defined by MPCA.

Manure Storage Area – Manure storage areas means an area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding areas of an animal feedlot that are managed according to part 7020.2000, subpart 3, are not manure storage areas.

Meteorological Tower – For the purposes of this Wind Energy Conversion Systems Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

Metes and Bounds - A method of property description in which successive sides are described by means of direction and distance from an easily identifiable point.

Micro-WECs – Micro-WECs are WECS of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

Minimum Subdivision Design Standards – The guides, principles, and specifications for the preparation of subdivision plats indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.

Mining Operation - Means the removal of stone, sand and gravel, clay, topsoil, coal, salt, iron, copper, nickel, petroleum or other mineral from the land for commercial, industrial, or governmental purposes.

Minor – Person(s) under eighteen (18) years of age.

Minor Repair – The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

Modular Home – A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.

MPCA – Minnesota Pollution Control Agency

MSTS – A “mid-sized subsurface sewage treatment system” under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.

Natural Drainageway – A depression in the earth’s surface, such as ravines, draws, and hollows, that has definable beds and banks capable of conducting water runoff from adjacent lands.

Non-Commercial WECS – A WECS of less than 100 kW in total name plate generating capacity.

Non-conforming Use - Any legal use, structure or parcel of land already in existence, recorded or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Non-Residential Subdivision – A subdivision whose intended use is other than residential, such as commercial or industrial.

Notice of Noncompliance – A written document issued by the Department notifying a system owner that the owner’s onsite/cluster treatment system has been observed to be noncompliant with the requirements of this Ordinance.

NPDES Permit – National Pollutant Discharge Elimination System. A permit issued by the MPCA for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations (CAFO’s).

NRCS – Natural Resource Conservation Service

Obstruction - Any dam, well, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collection of debris carried by such water.

Official Control - Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria all of which control the physical development of a municipality or a county or any part thereof or any detail thereof, and are the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. Such official controls may include but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps.

Official Map - A map adopted in accordance with Section 394.361 of Minnesota Statutes which may show existing county roads and county state aid highways, proposed future county roads and highways and the area needed for widening existing public land and facilities and other land needed for future public purposes, including public facilities such as parks, playground, schools, and other public buildings, civic centers, and travel service facilities. When requested in accordance with Section 394.32, Subdivision 3, an official map may include existing and planned public land uses within incorporated areas.

Open Space Design Development – A pattern of subdivision development that places residential dwelling units into compact groupings while providing a network of dedicated open space.

Open Space Recreation Uses - Means recreation uses particularly oriented to and utilizing the outdoor character of an area; including public and private parks and recreation areas, wildlife management and water production areas, multi-purpose trail systems, environmental education sites, historic sites and interpretive centers, primitive campsites, campgrounds and waysides.

Ordinary High Water Level - The boundary of “public waters” and “wetlands” as defined by Minnesota Statutes Section 103G, an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water level is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water level is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.

Outlot – A lot remnant or any parcel of land included in a plat which is not buildable at the time of platting. An outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and, therefore, not usable as a building site.

Owner - Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having a sufficient proprietary interest in the land to commence and maintain proceedings under this Ordinance, or the owner of record.

Pedestrian Way – A public or private right-of-way across or within a block to be used by pedestrians.

Permitted Use – A public or private use which conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district and is allowed without a conditional use permit. Such uses require a use permit prior to undertaking the activity.

Persons - Any individual, firm, partnership, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.

Planned Unit Development – A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structures operated as condominiums, time-share condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Planning Commission – The Yellow Medicine County Planning Commission

Plot - A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as an individual site and improved or intended to be improved by the erection thereon of buildings and having a frontage upon a public road or highway or upon a traveled or used road and including as a minimum such open spaces as required under this Ordinance.

Police Related Service Calls – Requests for assistance made to the law enforcement agency from a neighboring resident, a victim of a crime, a patron of an Adult Use/Sexually Oriented business, or the management of an Adult Use/Sexually Orientated business. Such calls may include but are not limited to: assaults, disorderly conduct, indecent exposure, prostitution, and trespassing.

Poultry - All domestically raised fowl including, but not limited to: chicken, turkeys, ducks, geese and game birds.

Poultry Lot - (1) The place of confined feeding, hatching, raising or holding of poultry in enclosures, yards, or pens where animal manure may be accumulated; or (2) range areas not normally used for pasture or crops, in which animal manure may accumulate and be carried directly or indirectly to waters of the State or constitute a potential pollution hazard.

Power Purchase Agreement – A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.

Preliminary Approval – Official action taken by a municipality or a county on an application to create a subdivision that establishes the rights and obligations set forth in Minnesota Statutes

Section 462.358 and the applicable subdivision regulation. In accordance with Section 462.358, and unless otherwise specified in the applicable subdivision regulation, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing, without limitation, the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

Preliminary Plat - The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and County Board for their consideration.

Primitive/Rustic Campsites - Means an area that consists of individual remote campsites accessible only by foot or water.

Principal Use or Structure – means all uses or structures that are not accessory uses or structures.

Private Street – A street serving as vehicular access to one or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

Property Line – The boundary line of the area over which the entity applying for a permit has legal control. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

Protective Covenants – Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values.

Public Conservation Lands – Land owned in fee title by State or Federal agencies and managed specifically for (grassland) conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this Ordinance, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

Public Park – Any public land available for recreational, educational, cultural, or aesthetics use. This area is open to the general public and reserved for recreational, educational or scenic purposes such as, but not limited to: Memorial Park, Oraas Park, Stone Hill Park, Timm Park, and Upper Sioux Agency State Park. **This does not include Wildlife Management Areas owned or operated by the DNR, US Fish and Wildlife or the Department of the Interior.

Public Water - Any waters as defined in Minnesota Statutes Chapter 103G.

Qualified Employee – An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual’s employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.

Reach - A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In the urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Record Drawings – A set of drawings which to the fullest extent possible document the final in-place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system.

Recreation, Public – Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

Recreation, Commercial – Includes all uses relating to outdoor recreation uses such as campgrounds, hunting and shooting facilities, shooting ranges, driving ranges, golf courses that are publicly or privately owned and operated with the intention of earning a profit by providing entertainment for the public. The definition does not include movie theaters, bowling alleys, or lodging facilities.

Recreational Camping Area – shall have the meaning given to it in Minn. Stat.327.14, Sub.8; or any successor statutes.

Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

Regulatory Flood Protection Elevation - Shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Right -of-Way - The publicly dedicated land along a road or highway corridor, a portion of which is covered by the road or highway pavement.

Residential planned unit development - a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Road - A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, service road, place or however otherwise designated.

Rotor diameter – The diameter of the circle described by the moving rotor blades.

Rural Preservation Management District – as described in Section VI of the Yellow Medicine County Land and Related Resource Management Ordinance.

Salvage Yard – An area where used, scrap, waste, discarded, reclaimable or salvaged materials, except garbage, are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including, but not limited to scrap iron and other metals, unlicensed or inoperable vehicle(s), white goods, paper, rags, rubber products, bottles, and used building materials.

Sanitary Landfill - A land disposal site employing an engineered method of disposing of solid waste on land in a manner that minimizes environmental hazards by spreading the solid waste in thin layers, compacting the solid waste to the smallest practical volume, and applying cover material at the end of each operating day, or at intervals as may be required by the Agency.

Screened - Means when a structure is built or placed on a lot or vegetation is planted such that when the structure is built it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months as viewed from the river.

SDS (State Disposal System) Permit – A permit issued by the state to any facility that does not meet the criteria for an NPDES permit or Interim Permit that has a pollution hazard. SDS permits may also be issued for proposed, construction and operation of a new technology and may be processed in accordance with parts 7001.0040; 7001.0050; 7001.0100, subparts 4 and 5; and 7001.0110.

Seasonal High Water Table - The highest elevation in the soil where periodically depleted oxygen levels occur because of soil voids being filled with water. Saturated soil is evidenced by presence of soil mottling or other information.

Selective Cutting - Means the removal of single scattered trees.

Semipublic Use – the use of a land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Semi-Solid Manure – Manure consisting of 4% - 15% solids.

Sensitive Resource Management – The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or

bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Service Road - A minor street which is parallel and adjacent to an Arterial Street or Highway and which provides access to abutting properties and protection from through traffic.

Setback - The minimum horizontal distance between building, structure, sewage treatment system, or other facility and a ordinary high water level, bluff line, road or highway, or property line.

Sewage – Waste from toilets, bathing, laundry, or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

Sewage Treatment System - Means any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems and drain fields.

Shoreland - Means land located within the following distances from public waters (1) 1,000 feet from the normal high water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Shore Impact Zone – Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland Setback - The minimum horizontal distance between a structure and the normal high water mark.

Sign - A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Sign, Advertising - A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located; a billboard.

Sign, Business - A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.

Sign, Flashing - Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

Sign, Illuminated - Any sign which has characters, letters, figures, designs or outlines illuminated by

electric lights or luminous tubes as a part of the sign.

Sign, Pylon - A free standing sign erected upon a single pylon or post which is in excess often ten (10) feet in height with the sign mounted on the top thereof.

Sign, Rotating - A sign which revolves or rotates on its axis by mechanical means.

Sign, Surface Area of- The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

Significant historic site - any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Subdivision 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Slope – The amount of a land surface rises or falls from a horizontal plane. Slope can be expressed as a fraction or percentage, arrived at by dividing the distance of the vertical rise or fall from the horizontal plane by the horizontal distance.

Soil and Water Conservation Structures - Include water reservoirs, windbreaks and other measures which conform with the management practices encouraged by the Natural Resource Conservation Service, Farm Service Agency, Soil and Water Conservation District and other agencies for the protection of farmland against erosion and public waters from degradation by sedimentation.

Solar Energy Systems, Accessory – A solar panel or array mounted on a building, pole or rack that is secondary to the primary use of the parcel on which it is located, and is directed, connected or designed to serve the energy needs of the primary use.

Solar Farms – A solar array composed of multiple solar panels on ground-mounted rack or poles, which is the primary land use for the parcel on which it is located.

Solid Manure – Manure consisting of greater than 15% solids.

Special Public Uses - Include municipal sewer and water facilities, churches, cemeteries, electrical power sub-stations and similar public uses, but not public or parochial schools, libraries, nursing homes, hospitals, or municipal buildings.

Specified Anatomical Areas – Human genitals, pubic region, buttock, anus, or female breast(s), below a point immediately above the top of the areola, unless completely and opaquely covered. Human Male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities –

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexual-oriented acts of conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence.
3. Use of human or animal ejaculation or ejaculate, sodomy, oral copulation, coitus, or masturbation.
4. Fondling or touching of human genital, pubic region, buttocks, or female breast(s).
5. Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical constraint of any such persons.
6. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being.
7. Human erection, urination, menstruation, vaginal or anal irrigation.

SSTS – Subsurface sewage treatment system including an ISTS , MSTS or LSTS.

State – State of Minnesota

Steep Slope – Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

Street – A public right-of-way that affords primary means of access to abutting property and shall also include avenue, highway, or roadway.

Street, Collector – A street that serves or is designed to serve as a traffic way for a neighborhood or to move traffic from local roads to secondary roads.

Street, Cul-de-sac – A street turn around with only one outlet.

Street, Intermediate or Minor Arterial – A street that serves, or is designed to serve, heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Street, Local – A street intended to serve primarily as an access to abutting properties.

Street, Major or Arterial – A street that serves, or is designed to serve, heavy flows of traffic between communities and/or other heavy traffic generating areas.

Street Pavement – The wearing or exposed surface of the roadway used by vehicular traffic.

Street, Rural Design – A street without curb and gutter having either paved or gravel shoulders.

Street, Service – Marginal access street or otherwise designated as a minor street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

Street, Urban Design – A street that incorporates either concrete or bituminous curb and gutter.

Street Width – The shortest distance between the lines delineating the roadway including shoulders or parking lanes or a street. On urban designed streets, it is face to face of curbs.

Structure - Anything constructed or erected on the ground or attached to the ground. Structures may include buildings, transmission towers, signs, electrical substations, pumping stations, poles, wires, overhead or underground electrical, gas, steam, or water transmission or distribution systems and structures.

Subdivider- Is an individual, firm, association, syndicate, partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

Subdivision - The division or redivision of a lot, tract or parcel of land regardless of how it is to be used into two or more lots either by plat or by metes and bounds description, or the division or redivision of land involving dedication of a new park, playground, street, or other public right-of-way facility; or the vacation, realignment or any other change in existing streets, alleys, easements, recreation areas, water or other public improvements of facilities, provided, however, that the following classes shall be exempt:

1. The division of land for agricultural purposes into parcels greater than five (5) acres where no new streets, roads or other right-of-way are involved.
2. The division of a lot for the purpose of attachment to contiguous lots provided no residual plat is left unattended.

(see also definition in Section XVIII – Subdivision Regulations)

Substandard Shoreland Use - Any use of shoreland existing prior to the date of enactment of any County Ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks or other dimensional standards of this Ordinance.

Substandard Use - Means any use within the land use district existing prior to the date of enactment of this Ordinance which is permitted with the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of the Ordinance.

Substations – Any electrical facility designed to convert electricity produced by wind turbines to a voltage for interconnection with transmission lines.

Surface water-oriented commercial use – The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Survey, Land – The process of determining boundaries and areas of tracts of land. Also called property survey or boundary survey.

Surveyor – A land surveyor licensed under Minnesota state laws.

Toe of the Bluff – The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope from a gentler to a steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with the average slope exceeding 18 percent.

Top of the bluff - the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.

Tract – Any parcel, lot or area of land which is individually assessed for tax purposes and which has its' own tax identification number.

Transmission Towers/antenna – Any pole, spire, structure or combination thereof, including supporting lines, cables, wires, braces and masts, on which transmitting and/or receiving equipment is located.

Travel Trailer - A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The

term "trailer" shall include camp car, camp bus, camper and house car. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the approved Building Code.

Treatment Level - Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products, which include the following:

Level A: $\text{cBOD}_5 \leq 15 \text{ mg/L}$; $\text{TSS} \leq 15 \text{ mg/L}$; fecal coliforms $\leq 1,000/100 \text{ mL}$.

Level B: $\text{cBOD}_5 \leq 25 \text{ mg/L}$; $\text{TSS} \leq 30 \text{ mg/L}$; fecal coliforms $\leq 10,000/100 \text{ mL}$.

Level C: $\text{cBOD}_5 \leq 125 \text{ mg/L}$; $\text{TSS} \leq 80 \text{ mg/L}$; fecal coliforms N/A.

Type I System – An ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules Chapter 7080.2200 through 7080.2240.

Type II System – An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

Type III System – A custom designed ISTS having acceptable flow restriction devices to allow its use on a lot that cannot accommodate a standard Type I soil treatment and dispersal system.

Type IV System – An ISTS, having an approved pretreatment device and incorporating pressure distribution and dosing, that is capable of providing suitable treatment for use where the separation distance to a shallow saturated zone is less than the minimum allowed.

Type V System – An ISTS, which is a custom engineered design to accommodate the site taking into account pretreatment effluent quality, loading rates, loading methods, groundwater mounding, and other soil and relevant soil, site, and wastewater characteristics such that groundwater contamination by viable fecal coliforms is prevented.

Unincorporated Area - The areas outside a city, village, or borough.

Use - The purpose of which land or premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied or maintained.

Use, Accessory - A use clearly incidental or accessory to the principal use of a lot or a building located on the same lot as the accessory use.

Variance - Any modification or variation of official controls where it is determined that, by reason or exceptional circumstances, the strict enforcement of the official controls would cause

unnecessary hardship.

Vicinity Map – A map drawn to comparatively small scale that shows the area proposed to be platted in relation to known geographical features, e.g. town centers, lakes, roads.

Water Appropriations Permit – A permit required by the DNR for the appropriation of waters of the State, such as, but not limited to: withdrawal of water for any use at a rate greater than 10,000 gallons per day or more than five million gallons per year.

Water-oriented accessory structure or facility - a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Watershed Management or Flood Control Structure - Means a dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management" or "flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of Natural Resources.

WECS – Wind Energy Conversion System – A device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electric energy.

Wetland – Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands shall have hydric soils, predominantly hydric vegetation, and display wetland hydrology.

Wildlife Management Areas – Public lands for the purpose of reclaiming, creating, and managing upland and wetland habitat as defined by the Natural Resource Conservation Service. These areas are primarily owned and operated by the DNR, US Fish and Wildlife, and the Department of the Interior.

Wind Turbine – A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

Yard – The space on the same lot with a building or other structure open and unobstructed from ground to sky.

Yard, Front – A yard extending across the full width of the lot between the front line and the nearest line of the principal building.

Yard, Rear – A yard extending across the full width of the lot between the rear lot line and the nearest line of the principal building.

Yard, Side – A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the principal building.

Yellow Medicine County Comprehensive Plan - Means the policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the county or any portion of the county.

Zoning Administrator – The duly appointed person charged with the enforcement of this Ordinance.